

AMENDED IN ASSEMBLY JUNE 29, 1999

AMENDED IN SENATE APRIL 27, 1999

SENATE BILL

No. 599

Introduced by Senator Costa

February 23, 1999

An act to amend Sections 912, 912.5, and 1720 of the Welfare and Institutions Code, relating to youthful offenders.

LEGISLATIVE COUNSEL'S DIGEST

SB 599, as amended, Costa. Youth Authority: costs.

Existing law requires each county to pay the state for each person committed to the Department of the Youth Authority on or after January 1, 1997, pursuant to a scale with regard to the offense on which the commitment is based, and requires the department to submit a claim to the county periodically for those costs. Existing law provides that "the offense on which the commitment is based" means any offense that has been sustained by the juvenile court and that is included in the determination of the maximum term of imprisonment by the juvenile court, as specified.

This bill would require the department's claim to include a notice regarding the department's right to collect those costs retroactively in specified circumstances. The bill would also provide that "the offense on which the commitment is based" means the *most serious* offense ~~requiring the longest period of commitment~~ prior to parole consideration, as specified, that has been sustained by the juvenile court and that is included in the determination of the maximum term of

imprisonment by the juvenile court. The bill would also require the Department of the Youth Authority, when assigning the category of offense upon which a ward's commitment is based, to consider the recommendations of the court or the county and to inform the court or county if those recommendations are not followed.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 912 of the Welfare and
2 Institutions Code is amended to read:

3 912. (a) Effective January 1, 1997, for each person
4 committed to the Department of the Youth Authority,
5 the county from which he or she is committed shall pay
6 the state one hundred fifty dollars (\$150) per month for
7 the time that person remains in any institution under the
8 direct supervision of the Department of the Youth
9 Authority, or in any institution, boarding home, foster
10 home, or other private or public institution in which he
11 or she is placed by the Department of the Youth
12 Authority, on parole or otherwise, and cared for and
13 supported at the expense of the Department of the Youth
14 Authority. This section applies to any person committed
15 to the Department of the Youth Authority by a juvenile
16 court, including persons committed to the Department of
17 the Youth Authority prior to January 1, 1997, who on or
18 after January 1, 1997, remain in or return to the facilities
19 described in this section.

20 (b) The Department of the Youth Authority shall
21 present to the county, not more frequently than monthly,
22 a claim for the amount due the state under this section,
23 which the county shall process and pay pursuant to the
24 provisions of Chapter 4 (commencing with Section
25 29700) of Division 3 of Title 3 of the Government Code.
26 The claim described in this subdivision shall contain the
27 following notice:
28

1 “NOTICE: This claim does not include any—~~sliding~~
2 ~~scale~~” “*sliding scale*” fees due pursuant to Section 912.5 of
3 the Welfare and Institutions Code if the minor to whom
4 this claim applies has not been classified as of the date of
5 this claim. Once the minor has been classified, the county
6 may be billed retroactively for any—~~sliding scale~~” “*sliding*
7 *scale*” fees that may be due commencing as of the date the
8 department received custody of the minor.”

9
10 SEC. 2. Section 912.5 of the Welfare and Institutions
11 Code is amended to read:

12 912.5. (a) For each person committed to the
13 Department of the Youth Authority by a juvenile court on
14 or after January 1, 1997, the county from which he or she
15 is committed shall pay the state the following rate:

16 (1) If the offense on which the commitment is based
17 is listed in Section 4955 of Title 15 of the California Code
18 of Regulations, the rate is 50 percent of the per capita
19 institutional cost of the Department of the Youth
20 Authority.

21 (2) If the offense on which the commitment is based
22 is listed in Section 4956 of Title 15 of the California Code
23 of Regulations, the rate is 75 percent of the per capita
24 institutional cost of the Department of the Youth
25 Authority.

26 (3) If the offense on which the commitment is based
27 is listed in Section 4957 of Title 15 of the California Code
28 of Regulations, the rate is 100 percent of the per capita
29 institutional cost of the Department of the Youth
30 Authority.

31 (b) For purposes of this section, “the offense on which
32 the commitment is based” means the—~~offense requiring~~
33 ~~the longest period of commitment~~ *most serious offense as*
34 *determined pursuant to regulations promulgated by the*
35 *Youthful Offender Parole Board* prior to parole
36 consideration pursuant to Sections 4955 to 4957, inclusive,
37 of Title 15 of the California Code of Regulations that has
38 been sustained by the juvenile court and that is included
39 in the determination of the maximum term of

1 imprisonment by the juvenile court pursuant to Section
2 731.

3 (c) For purposes of this section, the charge against the
4 county shall not apply to periods of confinement that are
5 solely pursuant to a revocation of parole by the Youthful
6 Offender Parole Board.

7 (d) The charge against the county prescribed by this
8 section shall be in lieu of the charge prescribed by Section
9 912 and not in addition to that charge.

10 (e) The Department of the Youth Authority shall
11 present to the county, not more frequently than monthly,
12 a claim for the amount due the state under this section,
13 which the county shall process and pay pursuant to the
14 provisions of Chapter 4 (commencing with Section
15 29700) of Division 3 of Title 3 of the Government Code.

16 (f) The Department of the Youth Authority shall
17 adopt emergency regulations for implementation of this
18 section.

19 SEC. 3. Section 1720 of the Welfare and Institutions
20 Code is amended to read:

21 1720. (a) The case of each ward shall be heard by the
22 board immediately after the case study of the ward has
23 been completed and ~~at such other times as is~~ *other times*
24 *as* necessary to exercise the powers or duties of the board.

25 (b) The board shall periodically review the case of
26 each ward for the purpose of determining whether
27 existing orders and dispositions in individual cases should
28 be modified or continued in force. These reviews shall be
29 made as frequently as the board considers desirable and
30 shall be made with respect to each ward at intervals not
31 exceeding one year.

32 (c) The ward shall be entitled to notice if his or her
33 annual review hearing is delayed beyond one year after
34 the previous annual review hearing. The ward shall be
35 informed of the reason for the delay and of the date the
36 review hearing is to be held.

37 (d) Failure of the board to review the case of a ward
38 within 15 months of a previous review shall not of itself
39 entitle the ward to discharge from the control of the
40 Youth Authority but shall entitle him or her to petition

1 the superior court of the county from which he or she was
2 committed for an order of discharge, and the court shall
3 discharge him or her unless the court is satisfied as to the
4 need for further control.

5 (e) When assigning a category to a ward pursuant to
6 Sections 4951 to 4957, inclusive, of Title 15 of the
7 California Code of Regulations, the board shall consider
8 any information or recommendations received from a
9 county or court concerning that assignment, and shall
10 inform the county or court in writing of the board's reason
11 or reasons if the ward is assigned a category contrary to
12 the recommendations received from the court or county.

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